

Please type a plus sign (+) inside this box →

~~TRADE MARK~~

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

RECEIVED
JUL 08 2002
64543
TECH CENTER 2000
PTO/SB/21 (08-00)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

Application Number	10/028,018
Filing Date	December 21, 2001
First Named Inventor	Mark G. ERLANDER
Group Art Unit	1645
Examiner Name	To be assigned

6 Attorney Docket No. 485772004300

ENCLOSURES (check all that apply)

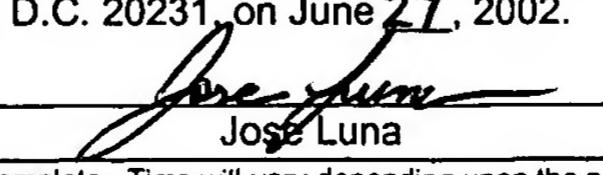
- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers
(for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return postcard |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input checked="" type="checkbox"/> Information Disclosure Statement; PTO form 1449; and 23 references | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/
Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | <i>The USPTO did not receive the return postcard.
Seeed transmittal fee transmittal not attached.</i> | |

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Kawai Lau Registration No. 44,461
Signature	
Date	June 25, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on June 27, 2002.


Jose Luna

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



PATENT
Docket No. 485772004300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on June 27, 2002.



Jose Luria

RECEIVED

JUL 08 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In the application of:

Mark G. ERLANDER, et al.

Serial No.: 10/028,018

Filing Date: December 21, 2001

For: BREAST CANCER PROGRESSION
SIGNATURES

Examiner: To be assigned

Group Art Unit: 1645

#3
Plunkett
10/13/02

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of * is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **485772004300**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

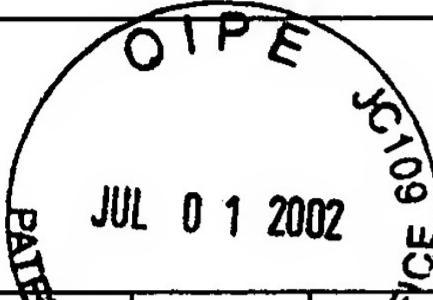
Dated: June 25, 2002

Respectfully submitted,

By: 
Kawai Lau
Registration No. 44,461

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5178
Facsimile: (858) 720-5125

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Docket Number 485772004300	Application Number 10/028,018
		Applicant	Mark G. ERLANDER, et al.
		Filing Date December 21, 2001	Group Art Unit 1645
		Mailing Date June 21, 2002	



RECEIVED

JUL 08 2002

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	TECH CENTER 1600-12900 Filing Date If Appropriate
	1.	01/1991	4,981,783	Augenlicht	435	6	
	2.	10/2001	10/062,857	Erlander et al.			10/25/01
	3.	06/2001	60/298,847	Erlander et al.			06/15/01
	4.	12/2000	60/257,801	Erlander et al.			12/22/00
	5.	12/2001	6,328,709	Hung et al.	604	74	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	6.	Alizadeh, et al. "Distinct Types of Diffuse Large B-Cell Lymphoma Identified by Gene Expression Profiling" Nature 403:503-511 (2000)
	7.	Altschul, et al. "Basic Local Alignment Search Tool" J. Mol. Biol. 215:403-410 (1990)
	8.	Bittner, et al. "Molecular Classification of Cutaneous Malignant Melanoma by Gene Expression Profiling" Nature 406:536-540 (2000)
	9.	Brown, et al. "Knowledge Based Analysis of Microarray Gene Expression Data by Using Support Vector Machines" Proc. Natl. Acad. Sci. USA 97(1):262-267 (2000)
	10.	DeRisi, et al. "Use of a cDNA Microarray to Analyse Gene Expression Patterns in Human Cancer" Nature Genetics 14:457-460(1996)
	11.	Furey, et al. "Support Vector Machine Classification and Validation of Cancer Tissue Samples Using Microarray Expression Data" Bioinformatics 16(10):906-914 (2000)
	12.	Garber, et al. "Diversity of Gene Expression in Adenocarcinoma o fthe Lung" Proc. Natl. Acad. Sci. USA 98(24):13784-13789 (2001)
	13.	Golub, et al. "Molecular Classification of Cancer: Class Discovery and Class Prediction by Gene Expression Monitoring" Science 286:531-537(1999)
	14.	Hedenfalk, et al. "Gene-Expression Profiles in Hereditary Breast Cancer" The New England Journal

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION O I P E JUL 01 2002 PATENT & TRADEMARK OFFICE Use several sheets if necessary)		Docket Number 485772004300	Application Number 10/028,018
		Applicant Mark G. ERLANDER, et al.	
		Filing Date December 21, 2001	Group Art Unit 1645
		Mailing Date June 27, 2002	RECEIVED JUL 08 2002

of Medicine 344(8):539-548 (2001)
15. * Henderson. "Breast Cancer" <u>Clinical Oncology</u> . Murphy et al. (ed) Atlanta, GA: American Cancer Society; pp.198-219 (1995)
16. * Mark, et al. "HER-2/neu Gene Amplification in Stages I-IV Breast Cancer Detected by Fluorescent In Situ Hybridization" <u>Genetics in Medicine</u> 1(3):98-103 (1999)
17. * Perou, et al. "Distinctive Gene Expression Patterns in Human Mammary Epithelial Cells and Breast Cancers" <u>Proc. Natl. Acad. Sci. USA</u> 96:9212-9217 (1999)
18. * Perou, et al. "Molecular Portraits of Human Breast Tumours" <u>Nature</u> 406:747-752(2000)
19. * Sgrio, et al. "In Vivo Gene Expression Profile Analysis of Human Breast Cancer Progression" <u>Cancer Research</u> 59:5656-5661 (1999)
20. * Sorlie, et al. "Gene Expression Patterns of Breast Carcinomas Distinguish Tumor Subclasses with Clinical Implications" <u>Proc. Natl. Acad. Sci.</u> 98(19):10869-10874 (2001)
21. * West, et al. "Predicting the Clinical Status of Human Breast Cancer by Using Gene Expression Profiles" <u>Proc. Natl. Acad. Sci.</u> 98(20):11462-11467 (2001)
22. * Xiong, et al. "Biomarker Identification by Feature Wrappers" <u>Genome Research</u> 11:1878-1887 (2001)
23. * Yeang, et al. "Molecular Classification of Multiple Tumor Types" <u>Bioinformatics</u> 17(Supp. 1):S316-S322 (2001)

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	